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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,402	10/09/2003	Kyusun Chang	AUS920030685US1	8362
45371 7590 01/23/2007 IBM CORPORATION (RUS) c/o Rudolf O Siegesmund Gordon & Rees, LLP 2100 Ross Avenue Suite 2600 DALLAS, TX 75201			EXAMINER JACKSON, JENISE E	
			ART UNIT	PAPER NUMBER
			2131	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/682,402

Applicant(s)

CHANG ET AL.

Examiner

Jenise E. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20031009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-6 and 31 the claimed invention is directed to non-statutory subject matter because a firewall which is claimed is just software and data structures. The Examiner suggest claim 7 and 32 can be incorporated into independents since router defined as hardware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 4-10, 12-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung(2003/0196108).
5. As per claim 1, Kung discloses a firewall[fig. 1, 40a] capable of creating a plurality of trust levels for a plurality of computer networks[0034].
6. As per claims 2, 16, 19, 23, 26, 30 Kung discloses a plurality of rules [0024and a table defining the relationship between the trust levels, the rules, and the computer networks[0025].
7. As per claim 4, Kung discloses wherein the firewall further includes a security program

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wherein the security program analyzes a packet and determines if the rules permit or deny the packet[0033].

8. As per claim 5, Kung discloses wherein the security program includes instructions for determining the destination of the packet[0033] instructions for determining the appropriate rules to use to analyze the packet using the table;[0022] instructions for analyzing the packet using the rules; instructions for determining if the packet is permitted under the rules; responsive to a determination that the rules permit the packet, instructions for permitting the packet; and responsive to a determination that the rules deny the packet, instructions for denying the packet[0060, 0064-0065]

9. As per claim 6, Kung discloses wherein the security program further includes responsive to a determination that the rules do not permit or deny the packet, instructions for denying the packet[0033].

10. As per claim 7, Kung discloses wherein the firewall is part of a router[0025, 0027].

11. As per claim 8, Kung discloses a router including a switch connected to a firewall and a plurality of computer networks and wherein the firewall creates a plurality of trust levels and associates a trust level with each computer network[0025-0027].

12. As per claim 9, Kung discloses wherein the switch includes a sub-switch, the sub-switch[0031]; being assigned one of a plurality of trust levels[0027].

13. As per claim 10, Kung discloses wherein the firewall analyzes a packet using some of the rules[0033]; and Kung discloses and wherein the rules used in the lower trust levels are excluded from the rules used to analyze the packet[0025, 0079-0086].

14. As per claim 12, Kung discloses wherein the firewall further includes a security program,

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wherein the security program analyzes a packet and determines if the rules permit or deny the packet[0033, 0060, 0064-0065].

15. As per claims 13, 20, 27, Kung discloses wherein the security program comprises: instructions for determining the sub-switch location of the packet[0031] instructions for determining a source of the packet; instructions for determining a destination of the packet[0033]; Kung discloses and instructions for determining if the packet is attempting to go to a higher trust level; responsive to a determination that the packet is not attempting to go to a higher trust level, instructions for permitting the packet[0068, 0079-0086].

16. Same Motivation as claim 13. As per claim 14, Kung et al. discloses the security program further comprises: instructions for determining the appropriate rules to use to analyze the packet using the table[0033]instructions for analyzing the packet using the rules; instructions for determining if the packet is permitted under the rules; responsive to a determination that the rules permit the packet, instructions for permitting the packet; and responsive to a determination that the rules deny the packet, instructions for denying the packet[0033-0034, 0063]; Kung discloses wherein responsive to a determination that the packet is attempting to go to a higher trust level[0068, 0079-0086].

17. As per claim 15, Kung discloses wherein the security program further includes responsive to a determination that the rules do not permit or deny the packet, instructions for denying the packet[0033].

18. As per claim 16, Kung discloses wherein the firewall further includes a table defining the relationship between the trust levels, the rules, and the computer networks[0025, 0034].

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19. As per claim 17, Kung discloses a method for analyzing a packet using a firewall[0033] determining the destination of the packet; accessing a plurality of rules; determining the appropriate rules to use to analyze the packet; analyzing the packet using the rules; determining if the packet is permitted under the rules; responsive to a determination that the rules permit the packet, permitting the packet; and responsive to a determination that the rules deny the packet, denying the packet[0068, 0079-0086]. Kung discloses which creates a plurality of trust levels for a plurality of computer[0025].

20. As per claim 18, Kung discloses responsive to a determination that the rules do not permit or deny the packet, denying the packet[0033-0034]

21. Same Motivation as claim 13. As per claim 21, Kung discloses wherein, the method further comprises: determining the appropriate rules to use to analyze the packet using the table(see col. 3, lines 4-11); analyzing the packet using the rules; determining if the packet is permitted under the rules; responsive to a determination that the rules permit the packet, permitting the packet; and responsive to a determination that the rules deny the packet, denying the packet(see col. 4, lines 33-58). Kung discloses determination that the packet is attempting to go to a higher trust level[0068, 0079-0086].

22. As per claim 22, Kung discloses wherein the security program further includes responsive to a determination that the rules do not permit or deny the packet, denying the packet[0033].

23. As per claim 24, Kung discloses instructions for determining the destination of the packet[0068]instructions for accessing a plurality of rules; instructions for determining the appropriate rules to use to analyze the packet; instructions for analyzing the packet using the

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rules; instructions for determining if the packet is permitted under the rules; responsive to a determination that the rules permit the packet, instructions for permitting the packet; and responsive to a determination that the rules deny the packet, instructions for denying the packet[0068, 0079-0086].

24. As per claim 25, Kung discloses responsive to a determination that the rules do not permit or deny the packet, instructions for denying the packet[0033].

25. As per claim 28, Kung discloses determining the appropriate rules to use to analyze the packet using the table[0033, 0053-0055]; instructions for analyzing the packet using the rules; instructions for determining if the packet is permitted under the rules; responsive to a determination that the rules permit the packet, instructions for permitting the packet; and responsive to a determination that the rules deny the packet, instructions for denying the packet[0068, 0079-0086]; Kung discloses wherein responsive to a determination that the packet is attempting to go to a higher trust level[0068, 0079-0086].

26. As per claim 29, Kung discloses wherein the security program further includes responsive to a determination that the rules do not permit or deny the packet, instructions for denying the packet[0033].

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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28. Claims 3, 11, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung(2003/0196108) in view of Taylor(6,728,885).

29. Claims 3, 11, and 31, Kung is silent on wherein the firewall further includes: a configuration program, wherein the configuration program allows a user to add, delete, or modify the rules and trust levels in the table. Taylor discloses wherein the firewall further includes: a configuration program, wherein the configuration program allows a user to add, delete, or modify the rules and trust levels in the table(see col. 6, lines 43-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a configuration program, wherein the configuration program allows a user to add, delete, or modify the rules and trust levels in the table of Taylor with Kirby, because a configuration program allows a system administrator to create the configuration information that specifies the rules by utilizing a graphical user interface, thus enabling the user to set up rules to be used by the firewall(see col. 6, lines 43-57 of Taylor).

30. As per claim 32, Kung discloses wherein the firewall is part of a router[0025, 0027].

31. As per claim 31, similar limitations have already been addressed by Kung(see claim 1).

Claim 31, also claims a configuration program which was rejected under Taylor(see above).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791.

The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



January 2, 2007

CHRISTOPHER REVAK
PRIMARY EXAMINER

